

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicholas Venduras	Team: Squad #16	CCRB Case #: 202200467	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/20/2022 3:17 PM	Location of Incident: § 87(2)(b)	Precinct: 67	18 Mo. SOL 7/20/2023	EO SOL 7/20/2023	
Date/Time CV Reported Mon, 01/24/2022 4:31 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 01/24/2022 4:31 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Vanessa Solomondavey	01581	965877	067 PCT
2. PO Peter Sarafian	14698	957135	067 PCT
3. PO Dylan Mccann	14257	960907	067 PCT
4. DTS Philip Longo	03411	955080	067 PCT
5. SGT Yanilka Victoriano	00807	947579	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Justin Colon	24431	967013	067 PCT
2. PO Mohammed Rahman	01711	964717	067 PCT
3. PO Shaniece Hicks	26971	967111	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Vanessa Solomondavey	Abuse: Police Officer Vanessa Solomondavey threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
B. PO Dylan Mccann	Discourtesy: Police Officer Dylan Mccann spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C. PO Peter Sarafian	Force: Police Officer Peter Sarafian used physical force against § 87(2)(b)	§ 87(2)(b)
D. DTS Philip Longo	Force: Detective Philip Longo used physical force against § 87(2)(b)	§ 87(2)(b)
E. PO Vanessa Solomondavey	Force: Police Officer Vanessa Solomondavey used physical force against § 87(2)(b)	§ 87(2)(b)
F. PO Dylan Mccann	Force: Police Officer Dylan Mccann used physical force against § 87(2)(b)	§ 87(2)(b)
G. SGT Yanilka Victoriano	Abuse: Sergeant Yanilka Victoriano forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

Case Summary

On January 24, 2022, § 87(2)(b) filed this complaint via the CCRB call processing system.

On January 20, 2022, at approximately 3:17 PM, Sergeant Yanilka Victoriano, Police Officer Vanessa Solomondavey, Police Officer Dylan Mccann, Police Officer Justin Colon, Police Officer Peter Sarafian, Detective Philip Longo, and other officers from the 67th Precinct went to § 87(2)(b) of a men's shelter located at § 87(2)(b) in Brooklyn in response to a 911 call from the shelter's manager, § 87(2)(b). § 87(2)(b) reportedly refused to leave and threatened § 87(2)(b) with a knife when presented with a letter instructing him to vacate.

When officers arrived on scene, § 87(2)(b) was argumentative and refused to leave. PO Solomondavey allegedly told § 87(2)(b) officers would "drag" him out if he did not leave voluntarily (**Allegation A: Abuse of Authority**, § 87(2)(g)). At one point, PO Mccann used profanity when speaking to § 87(2)(b) (**Allegation B: Discourtesy**, § 87(2)(g)). The officers later handcuffed § 87(2)(b) before PO Sarafian, Det. Longo, and PO Solomondavey, later assisted by PO Mccann, carried him down two flights of stairs and outside to wait for an ambulance (**Allegation C-F: Force**, § 87(2)(g)). EMTs then brought § 87(2)(b) to § 87(2)(b) against his will (**Allegation G: Abuse of Authority**, § 87(2)(g)).

The NYPD Legal Department provided nine Body-Worn Camera (BWC) videos in regard to this incident (**Board Review 1**).

Findings and Recommendations

Allegation A: Abuse of Authority: Police Officer Vanessa Solomondavey threatened § 87(2)(b) with the use of force.

Allegation B: Discourtesy: Police Officer Dylan Mccann spoke discourteously to § 87(2)(b).

Allegation C: Force: Police Officer Peter Sarafian used physical force against § 87(2)(b).

Allegation D: Force: Detective Philip Longo used physical force against § 87(2)(b).

Allegation E: Force: Police Officer Vanessa Solomondavey used physical force against § 87(2)(b).

Allegation F: Force: Police Officer Dylan Mccann used physical force against § 87(2)(b).

Allegation G: Abuse of Authority: Sergeant Yanilka Victoriano forcibly removed § 87(2)(b) to the hospital.

On May 2, 2022, § 87(2)(b) the manager for § 87(2)(b) at the shelter at § 87(2)(b) in Brooklyn, provided a statement to the CCRB (**Board Review 2**). On January 20, 2022, at approximately 3:15 PM, due to visitor policy violations, § 87(2)(b) presented § 87(2)(b) with a "close-out letter" informing him he had to vacate his room. § 87(2)(b) told § 87(2)(b)

he would have to call the police to remove him. While holding a knife, § 87(2)(b) said he would “chop” § 87(2)(b) “up,” so § 87(2)(b) called 911 and relayed this information. When officers arrived, § 87(2)(b) told them what happened, but did not disclose any mental health history. When the officers spoke to § 87(2)(b) he was “very rough” with them and was “cussing them out.”

§ 87(2)(b) provided a telephone statement on February 15, 2022 (**Board Review 3**). On January 20, 2022, § 87(2)(b) was inside his former residence at § 87(2)(b) in Brooklyn. § 87(2)(b) who has annoyed and harassed § 87(2)(b) in the past, presented him with a blurry and generally illegible document purportedly stating he had to leave the shelter. § 87(2)(b) loudly argued with § 87(2)(b) over the legitimacy of the letter until § 87(2)(b) said get the “fuck out” of his room. He crumpled the document and threw it at § 87(2)(b)'s face, who then left. The altercation did not get violent, nor did § 87(2)(b) make any threats, but he did have a kitchen knife on his bed, which he had just used to make food. He did not point this knife at § 87(2)(b).

Shortly thereafter, about six officers arrived and § 87(2)(b) assumed § 87(2)(b) told them about the knife, which was still there (**Board Review 3**). They spoke in his room where he denied ever threatening § 87(2)(b). The officers looked at the notice and PO Solomondavey said he would have to leave, or they would drag him out.

After a somewhat long conversation, an officer told § 87(2)(b) to stand up, face the wall, and then gave a command to handcuff him (**Board Review 3**). He did not resist as four officers handcuffed him and carried him outside feet-first via staircase to an ambulance. He sustained cuts and bruises on his legs, possibly from bumping them on the stairs, but he was unsure.

An officer told § 87(2)(b) he was going to the hospital without saying why, and § 87(2)(b) responded he neither wanted nor needed to go (**Board Review 3**). He could not remember what, if any, conversation he had with EMTs, but they strapped him down and brought him to the hospital, where he stayed for two weeks. He disagreed with officers and hospital staff who determined him to be out of control because he never said he wanted to hurt himself or anyone else.

An AIDED report by PO Mccann indicates § 87(2)(b) was “acting physically violent” with § 87(2)(b) and was verbally and physically combative with officers (**Board Review 4**). It further states § 87(2)(b) kicked and flailed as they brought him downstairs and due to a previous psychological history, he was removed to the hospital for further evaluation.

PO Mccann provided a statement to the CCRB on June 7, 2022 (**Board Review 5**). At approximately 3:17 PM on January 20th, 2022, PO McCann responded to a radio run for an incident involving a knife at the § 87(2)(b) shelter, a place he described as housing people with mental disorders. PO Mccann was aware of previous police incidents at this shelter but had not personally responded there.

Upon officers’ arrival, an employee informed PO Mccann that § 87(2)(b) had a knife (**Board**

Review 5). PO McCann encountered § 87(2)(b) upstairs, where he saw the knife, and described him as difficult to talk to. § 87(2)(b) was erratic, irate, high-energy, clapping his hands aggressively, and “ranting and raving,” but PO McCann could not recall what he was talking about. PO McCann attempted to deescalate the situation using a “calm approach” but was unsuccessful due to § 87(2)(b)’s behavior. He then decided to use a “one-up” approach, which he described as using a level of energy that establishes control of the situation, through a command voice and physical presence. To do so, he used the phrase “tone the fuck down,” which he felt deescalated the incident.

PO McCann then ran § 87(2)(b) on his phone which revealed a history of schizophrenia (**Board Review 5**). Due to the unpredictable behavior which PO McCann believed to match this diagnosis, and the knife nearby, he placed § 87(2)(b) in handcuffs to protect himself, his fellow officers, and civilians, but § 87(2)(b) physically resisted by flailing, kicking, and screaming. Officers carried § 87(2)(b) downstairs following his refusal to walk on his own and placed him in an ambulance for transport to § 87(2)(b). PO McCann did not know when, or which officer made the call for EMS.

The investigation was able to make a determination based on the available testimony and evidence without additional officer interviews.

PO Solomondavey’s BWC shows her and PO Colon arriving at the shelter just ahead of other officers to meet § 87(2)(b) and § 87(2)(b)’s roommate (**Board Review 6**). At timestamp 1:15, § 87(2)(b) says § 87(2)(b) threatened him with a knife after informing him he needed to leave. At timestamp 1:42, § 87(2)(b) quotes § 87(2)(b) who is still upstairs, as saying he will not “leave the fucking place” and to “do something.” § 87(2)(b)’s roommate says § 87(2)(b) has had a knife all day, adding that he was “running around the house all night,” destroying items and has a history of “taking people’s things.” During this conversation, the officers learn § 87(2)(b)’s name.

At timestamp 2:23, they climb the stairs to § 87(2)(b)’s third-floor apartment, which has a chair propping the door open (**Board Review 6**). PO Solomondavey knocks on the open door at timestamp 3:01 with PO Colon next to her and § 87(2)(b) says, “Come in, please,” and the officers go into the unit. At timestamp 3:11, at his bedroom door, § 87(2)(b) holds up a letter saying, “He doesn’t have the right paperwork to kick me out.” He says he is not going anywhere and had his knife out because he does not trust § 87(2)(b). As PO Colon and PO Solomondavey are just inside the bedroom, at timestamp 3:24, § 87(2)(b) tells PO Colon, “As long as you touch me, it’s going to be poppin.”

At timestamp 3:28, as PO Colon steps in further to § 87(2)(b)’s room, § 87(2)(b) says, “You’re not touching me” and he did not do anything wrong (**Board Review 6**). At timestamp 3:35 § 87(2)(b) says he is going to sit on his bed, which he does, but the officers tell him not to. At timestamp 3:37, PO Colon sternly tells him to get up, but § 87(2)(b) does not comply. At timestamp 3:39 of PO Colon’s BWC, just after § 87(2)(b) sits, PO Colon moves a large kitchen knife on a pillow away from § 87(2)(b) (**Board Review 7**).

At timestamp 3:41, § 87(2)(b) points to the hallway saying there are cameras to show he did not pull a knife on § 87(2)(b) (**Board Review 6**). At timestamp 3:50, § 87(2)(b) reiterates the unofficial nature of the letter and again denies stabbing or touching anyone. His voice is louder than anyone else's and he punches his hands as he speaks. At timestamp 3:58, he loudly says, "Take me to jail now. I'll be back!" and says they will have to kick him out again. § 87(2)(b) then says he is getting "crazy" with the officers because, "as a man" that is "what the fuck" he has "got goin' on," and he "ain't doing nothing," with more clapping for emphasis. At timestamp 4:10, PO Sarafian, who came in just behind PO Solomondavey and PO Colon, tells him not to clap his hands at him. At timestamp 4:11, PO Colon begins to talk but § 87(2)(b) says he has the wrong idea and tells him to "shut up," and PO Colon says to relax.

At timestamp 4:20, PO Mccann walks over to § 87(2)(b) crouches down to eye-level and tells him to, "Tone the fuck down" (**Board Review 6**). PO Mccann goes onto say he does not want to deal with the situation because they could not handle their problems like "civilized human beings" and mimics § 87(2)(b)'s clapping at timestamp 4:36. § 87(2)(b) makes twisted and distorted faces at PO Mccann, who takes a step back and straightens out at timestamp 4:45.

At timestamp 5:45, PO Mccann asks if he takes medication, to which § 87(2)(b) answers in the negative, adding he does not like police (**Board Review 6**). § 87(2)(b) then describes another incident at another shelter in which he was brought to a hospital. At timestamp 6:28, § 87(2)(b) says if they want to take him to the hospital to make sure he is alright, he will be out shortly. At timestamp 6:49, PO Colon says he knows § 87(2)(b) from another precinct and § 87(2)(b) says if they bring him to a hospital, he will be right back.

Around this time, Sgt. Victoriano's BWC shows Det. Longo and her arriving on scene (**Board Review 8**). At timestamp 2:50, PO Sarafian steps out of the bedroom and speaks to Sgt. Victoriano and Det. Longo to provide the context of the eviction. At timestamp 3:05 he says § 87(2)(b) might be an EDP (Emotionally Disturbed Person), and Det. Longo says someone "just said he was EDP."

Inside the bedroom, at timestamp 7:30 of PO Solomondavey's BWC, PO McCann tells § 87(2)(b) to stand up (**Board Review 6**). As § 87(2)(b) is still sitting on the bed, PO McCann and PO Colon begin to handcuff him. Within five seconds all four officers have closed in to assist in handcuffing him, and by timestamp 7:50, they successfully handcuffed § 87(2)(b). At timestamp 8:06 of PO Colon's BWC, PO Mccann says they need a "bus" and about 20 seconds later PO Colon says into his radio they need an ambulance for an EDP (**Board Review 7**). The EVENT chronology indicates an ambulance request for an EDP was logged at 3:28 PM, which corresponds with the time indicated on PO Colon's BWC (**Board Review 9**).

At timestamp 8:19 of PO Colon's BWC, § 87(2)(b) asks if they are going to take him to the hospital, followed by repeatedly shouted requests to bring him there (**Board Review 7**). § 87(2)(b) then vacillates between whispering and shouting at the officers to "shut up" while handcuffed in a chair. His manner of speaking is confusing, and he often mouths inaudible words

saying everything is “on record,” and he will be back.

At timestamp 11:18 in PO Solomondavey’s BWC, the officers tell § 87(2)(b) to stand up (**Board Review 6**). He initially seems to be willing to walk out but when the officers do not let him get his wallet, he shouts at them and tries to walk back inside, pulling against the officers leading him out. He gets louder in the hallway and at timestamp 11:37 says he will, “Break all the windows out of this shit.”

PO Solomondavey’s BWC shows her holding onto § 87(2)(b)’s arm at timestamp 11:19 as PO Sarafian leads him out of the bedroom and apartment (**Board Review 6**). § 87(2)(b) stops at the top of the stairs with PO Sarafian holding his right elbow and Det. Longo a few steps below at timestamp 11:45. § 87(2)(b) then wriggles his upper body as the officers hold him. While PO Sarafian holds § 87(2)(b)’s left arm, he steps down, but § 87(2)(b) remains at the top. At 11:48, PO Sarafian pulls § 87(2)(b) towards him, resulting in § 87(2)(b) jumping a few steps. After a few more off-balance steps, Det. Longo takes hold of § 87(2)(b)’s feet at timestamp 11:53 and he and PO Sarafian carry him to the bottom floor. PO Solomondavey also assists about halfway down the first flight of stairs by grabbing his left upper arm area. While they bring him downstairs, § 87(2)(b) screams about his wallet, how he did not do anything, and the pain they are causing. Det. Longo, PO Sarafian, and PO Solomondavey hold him by his feet, underarms, and arms, but take no other action to gain his compliance.

At timestamp 12:36 as they bring him outside, § 87(2)(b) asks if they are bringing him to a “sex party.” § 87(2)(b) appears to refuse to leave the building and as they go through the doorway, PO Solomondavey lets go of him. As he nears the stoop, § 87(2)(b) almost falls at timestamp 12:43, but PO Sarafian holds on. PO Mccann catches his legs and they bring him to the sidewalk without him falling. The officers then hold § 87(2)(b) against a parked SUV as he continues to scream that they are hurting him.

Before they bring § 87(2)(b) to the ambulance, timestamp 16:30 of PO Solomondavey’s BWC shows § 87(2)(b) arguing with § 87(2)(b) off-camera saying he will be back, adding § 87(2)(b) does not want to have problems with him (**Board Review 6**). § 87(2)(b) uses homophobic slurs while doing so. § 87(2)(b) is not visible in PO Solomondavey’s BWC, but Sgt. Victoriano’s BWC shows her telling him to not engage with § 87(2)(b) at timestamp 12:10 (**Board Review 8**).

At timestamp 16:23 of PO Mccann’s BWC, he tells the newly-arrived EMTs they have a non-compliant, non-medicated EDP who denies his psych history, despite it being in their records (**Board Review 10**). He says § 87(2)(b) fought them upstairs in his room, resisted being placed in handcuffs, refused to walk, dragged his feet, and kicked and flailed all the way down the stairs. The first EMT asks what “type of history” at 16:42 and PO Mccann tells her he saw a repeated series of psychological incidents. This EMT then walks to the other officers at timestamp 17:07 and all return immediately with an argumentative § 87(2)(b).

Patrol Guide Procedure 221-01 provides instructions on force (**Board Review 11**). It tells officers

to first attempt to deescalate the situation to avoid the use of force, but if a subject does not voluntarily comply, “MOS will use only the reasonable force necessary to gain control or custody.”

Police officers must follow Administrative Guide Procedure 304-06, which instructs them to refrain from using discourteous language (**Board Review 13**). However, in DCT Case #79627/04 it was ruled that, “When a police officer uses an otherwise impolite word during a stressful street encounter where that officer is attempting to maintain control of the situation, the police officer’s verbal slip does not rise to the level of actionable misconduct” (**Board Review 14**).

Patrol Guide Procedure 221-13 defines an Emotionally Disturbed Person as someone “who appears to be mentally ill or temporarily deranged” and “conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others” (**Board Review 15**). Further, according to Patrol Guide Procedure 216-01, which outlines the general procedure when dealing with AIDED cases, AIDED Cases are defined as any occurrence “which requires that a person, other than a prisoner, receive medical aid or assistance” including but not limited to, individuals who are mentally ill (**Board Review 16**).

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one previous CCRB complaint and has been named as a victim in three other allegations. (**Board Review 17**):
 - § 87(2)(b)
- Sergeant Yanilka Victoriano has been a member of service for 14 years and has been the subject in four other CCRB complaints and six other allegations, none of which were substantiated. § 87(2)(g)
- Detective Philip Longo has been a member of service for nine years and has been the subject in one other CCRB complaint and one other allegation. To date, this investigation is still open. § 87(2)(g)
- Police Officer Vanessa Solomondavey has been a member of service for four years and has been the subject in one other CCRB complaint and one other allegation, which was not substantiated. § 87(2)(g)
- Police Officer Dylan Mccann has been a member of service for 6 years and has been the subject in two other CCRB complaints and seven other allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Peter Sarafian has been a member of service for eight years and this is the first CCRB complaint to which he has been a subject (**Board Review 22**).

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.

- As of June 22, 2022, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (**Board Review 23**).

- § 87(2)(b), § 87(2)(c) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad: 16

Investigator:	<u>Nick Venduras</u>	<u>Inv. Nicholas Venduras</u>	<u>August 23, 2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Patrick Yu</u>	<u>IM Patrick Yu</u>	<u>08/23/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date